

THE
METHOD
OF
Passing BILLS
IN
PARLIAMENT.

Written by *Henry Elsing*, Cler. Par.
Now Printed from the Original Manuscript under these Heads, viz.

1. *Proceedings upon Bills.*
2. *The Commitments of Bills.*
3. *Manner how Committees are named.*
4. *Who may not be of a Committee, and who ought to be.*
5. *Council heard at the Committee.*
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9. *Amendments and Additions, or Proviso's added afterwards, how Lawful.*
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11. *A Proviso added after a third Reading, not usual.*
12. *A Proviso added by the one House, and desired be taken away by the other House, whether Lawful.*

L O N D O N,
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Proceedings upon Bills.

The first Reading.

THe Clerk reads the Bill standing at the Table, and then delivers the same kneeling unto the Lord Chancellor, together with a Brief of the Bill.

The Lord Chancellor reads the Title of the Bill, and then reports the effect of the same out of the Brief, and concludes, This is the first time of the reading of this Bill.

At the first Reading, the Bill is seldom now spoken against.

There are presidents to the contrary, *prout A. 1 H. 8. 11 de Parliamenti Billa de actionibus* (brought from the Commons) *lecta 1. vice &*

D 2

Domini

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Domini disputando censerunt reformatum ; quod regia Majestas haberet 3. vel 4. annos pars vero contra partem, nisi unum annum.

And a Bill hath been received at the first Reading *prout*.

Anno 3 E.6. 14 No. Billa pro Jurisdictione Episcoporum rejected, and a Committee appointed to draw a new Bill.

The Subsidy Bill and the Kings general Pardon, were used to be Read but once, and so were expedited at the first Reading.

Yet if a Proviso be added to the Subsidy Bill, that hath been read three times *prout*.

So if a Proviso be added to the general Pardon, that is to be read three times, *V. 3 E. 6. 1 Febr.*

Anno 35 H. 8. 4 die Martii 1. Vice lecta est Billa, concerning the Kings Majesties Award between the Lord Dacres, and the Heirs general of Sir James Strangwish the younger, cui quidem Billæ Proceres assenserunt.

Bills

Bills also have been committed at the first Reading.

Anno 6 H. 8. 14 Febr. recepta est Billa in papiro concernens apparatus, & lecta, est jam primo, & deliberata Magistro Pigott reformanda.

Anno 1 E 6. 21 Nov. allata est a communi Domo Billa, for Benefices, common Preachers, and Residence. Quæ 1. vice lecta est, & commissa est Archiepiscopo Cant. Episcopis Elien. Dunelm. Roffen. & Lincoln. Marchioni Northampton. Domino St. John Comiti Arundel Domino Admiral, & Domino Wentwoorth.

Anno 5 E 6. 16 Febr. Hodie 1. vice lecta est Billa, to avoid regrating, forestalling, &c. & commissa Magistro Hales, Magistro Molineux, Magistro Saunders, & Solicitatori Regis.

And there are very many Presidents, that Bills have been committed at the first Reading, in the times of *H. 8.* and *E. 6.* as may appear by the Committees of those times.

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The like Presidents I find in most of the Journals of Queen *Elizabeth*, *prout*, &c.

Anno 8 Eliz. 3 Oct. Bills for the better executing of certain Statutes, &c.

Eodem Anno 5 Octobr. touching Fines and Recoveries, &c.

Anno 13 Eliz. 20 April. against fraudulent Conveyances, &c.

Anno 14 Eliz. 12 May, for preservation of Wood, &c.

Eodem Anno 5 Die, for the punishment of Vagabonds, &c.

And so in many other Parliaments of *Eliz.* &c.

The Second Reading.

In the same manner the Clerk reads the **Bill** the second time, and delivers the same without a Brief to the Lord Chancellor.

His Lordship recites the **Title** thereof only, and saith, **This** is the second Reading.

Then if no man speaks against the **Bill**, it is ordered to be engrossed, if
begun

begun with the **Lords**; or to have a third Reading, if brought from the **Commons**.

If any doubt be conceived, which is often *pro forma tantum*, the **Bill** is committed.

V. inter ordines &c. An. 18. Jacobi.

Bills are commonly let pass at the first Reading, and committed at the second.

Yet it appears by many Presidents of *H. 8. E. 6. and Q. Eliz.* that if the **Lords** did apprehend any dislike or doubt in the **Bill** at the first Reading, it was then committed immediately, *prout antea.*

The Commitment of Bills.

AT the second Reading, if the Bill be required to be committed, the Lord Chancellor demands of the Lords how many of each Bench shall be of the Committee.

Which being agreed on to 3, 5, or 6, &c. the Earls are first named, then the Bishops, then the Barons.

The like Order is observed in the naming of Committees for any other businels.

And if there be five Earls, then five Bishops, and ten Barons; the reason whereof I know not. *Neque fuit sic a principio.*

Anno 3 E. 6. 14 No. the Committees to frame a Bill for the Jurisdiction of Bishops, were the Marquess *Dorset*, 4 Bishops, and 2 Barons.

Eodem Anno 2 Januarii, the Committee sent to the Duke of *Somerset* were, 1 Earl, 5 Bishops and 2 Barons.

Anno

Anno 27 Eliz. 4 Decemhr. the Bill for the Clothiers of *Boxsted, &c.* was committed unto 3 Earls, 1 Viscount, 1 Bishop, and 3 Barons.

Eodem Anno 3 Dec. the Bill for the landing of Merchandize, &c. was committed unto 8 Earls, 2 Bishops, and 4 Barons.

Eodem Anno 27 Eliz. the first Bill for encrease of Mariners, was committed unto 2 Earls, and 6 Barons, and no Bishops.

Eodem Anno & Die, the Bill for the Sabbath day, is committed unto 6 Earles, 1 Viscount, 5 Bishops and 7 Barons.

The Presidents hereof are infinite, that no such order was observed to name a set number of each Bench, or to double the number of Barons until in the latter Parliaments of our late King *James*: Neither was this constantly observed until the Parliament of 12 *Jacobi Regis*, and afterwards. For in the Fourth Session of the Par-

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liament, *Anno 1 Jacobi Regis*, sometimes the number of each is equal, and sometimes the Barons are the greater number. But they seldom double the number of the other Bench, unless in the Committees of a small number.

But here may be a question (*viz.*) Whether a Bill may be committed by the orders of the House, if no Lord move any doubt, or imperfection in the same.

And I am of opinion that it may not, neither is it necessary.

My reason is, for that I find many Bills to pass without commitment, and some at the second Reading in the times of *H. 8. E. 6.* and *Queen Elizabeth.*

But now the constant order is to Read every Bill (*save the Pardon*) 3 times.

And the general Voice to commit the Bill at the 2 Reading, shews that the Lords do conceive some doubt therof, though none move any.

The

The manner how Committees are named.

THe number of each Bench being agreed, they are named *promiscue*, by any of the Lords, but the Clerk is to be careful to set down those whom he hears first named : which is done in this manner.

First the Earls are named and those that sit on that Bench.

The Clerk having written them stands up and Reads their names.

Then the Bishops, then the Barons in like manner.

And if the Clerk happen to set down more than the number agreed on; it is in the Liberty of the House to take out the latter, and so to leave the just number, or to admit them.

Then the House names the attendants which are of the Judges, the Kings learned Council, and the Masters of the Chancery.

The

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The Clerk Reads their names also.

The last is the time and place where to meet, which being agreed on, and set down, the Clerk reads that also.

VVho may not be Committees, and who ought to be.

IF any Lord speak against the Body of the Bill, he is not to be named of the Committee of the same Bill.

No absent Lord is to be of any Committee, unless Officers of State, when the Bill or Business concerns their Office. And then they are to be named, and to have notice sent them thereof.

V. Anno 1 Jac. 14 Junii, Subsidy of Tonnage and Poundage.

That Lord which moveth any doubt concerning the Bill, ought also to be named, and to be of the Committee, if he be present.

This is also a received opinion, and often in practice ; and the Clerk ought to

to be attentive, and hearken after the names of such Lords.

The number of the Committees being agreed on, named and Read, the Clerk delivers the Bill with a note of the Committee affixed, unto the first of the Committee then present.

The Committees being met, though not all, yet if the better half, they may proceed.

Anno 18. & 19. Jac. 30. No. It is ordered that that if 10 or upwards of any Committee do meet (though not the one half of their number) they may proceed notwithstanding.

At the Committee the Judges. and and other Attendants do neither sit, nor are covered unless it be out of favour, and then they sit behind, but are never covered.

One of the attendants Reads the Bill and writes the amendments (if any) in Paper, with directions to the places to be amended.

And if any addition or Proviso be conceived, he writes the same in Paper
also,

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also with directions where they are to be placed.

Any other Member of the House may be present at this Committee, but they may not Vote : And must give place to all of the Committee, and sit below them.

If the Business be not dispatched at the first meeting, the Committees themselves may appoint another day.

V. An. 4 Jac. 26 Febr.

But this must be done before their departure.

Council heard at the Committee.

AT this Committee, if it be a private Bill, they will not only call both parties before them, but hear their Council.

Wherein this order is observed, that the Council who speaks against the Bill is heard first, for it is already understood what the Bill desires.

And

And either part may desire to have their Council heard in the House, which being reported by the Committee, is so ordered.

There also the Council against the Bill speaks first.

And for publique Bills Council is also heard, if any oppose it.

And if a publique Bill concern any Officer, Corporation, or particular Person, or any Artificers, they are usually sent for to attend the Committee.

The Bill reported by a Committee to the House.

THe Committee, or greater part being agreed what report to make to the House,

The first of the Committees that was present, makes report thereof standing and uncovered with the Bill in his hand.

And all the rest of that Committee (then present) stand up and are uncovered,

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covered, wherely they signifie their assent unto the said report.

The report being ended, he delivers the Bill and the amendments, addition and Proviso, (if any) unto the Clerk, who goes from his seat, and receives the same from his Lordship

If the report be for the Bill to sleep it is so ordered and entred by the Clerk in the Journal Book, and endorsed on the Bill also.

If Amendments, Additions, or Proviso's be reported (when the House orders the same to be read) they are Read on this manner by the Clerk, (*viz.*) The amendments of the Bill &c. (reciting the Title thereof, or the Additions or Priviso's to be added to the Bill, &c. And so Reads the same as, they are in the Paper delivered by the Committee.

Then the Clerk delivers the same kneeling unto the Lord Chancellor, having first endorsed on the amendments &c. 1. *Vice lecta.*

His

His Lordship first Reads the Title of the Bill. Then that the same is returned by the Committees amended thus (*viz.*) In such a line between such a word, and such a word insert these words, &c.

Or in such a line put out this words, &c. and saith further, before it was thus, and now it is thus.

If additions and Proviso's are only reported, and no amendments, then his Lordship, first recites the Title of the Bill, then that it was committed and returned with such or such Additions, or Provifoes, and so repeats the effect thereof briefly.

This being done, the Lord Chancellor demands whether their Lordships be pleased that their amendments, &c. shall receive a second Reading, and if so agreed on,

The Clerk receives the Bill with the amendments, &c. of his Lordship and Reads the same again, and endorseth on the amendments, &c. 2. *Vice lecta*, &c. And

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And kneeling delivers the same unto the Lord Chancellor again.

His Lordship Reads the same thus.

First recites the Title of the Bill, then that it hath been committed and returned with amendments, &c. the which amendments have been twice Read. And demands their Lordships pleasure (if the Bill began above) whether the Bill shall be engrossed with the said amendments, &c. or no: And if answer be made affirmatively and no Lord speaks against it: Then it is so ordered to be done; and the Clerk receives the Bill again, and endorseth on the said amendment to be engrossed; if the Bill be sent from the Commons, then the Lord Chancellor demands their Lordships pleasure whether the said Bill, and amendments, &c. shall be Read the third time or no.

At the second Reading any of the Committee may speak against the Body of the Bill, or against the amendments, &c. before they be engrossed.

V. An. 39. Eliz. 24 Jan. This was debated, but not then determined. But *An. 43 Eliz. 12 No.* it was resolved by the House.

Recommitted.

THe Bill being thus reported by the Committee : if any doubt be moved, and the House think good then (before the amendments be ordered to be ingrossed) or ordered to have a third Reading, the same may be re-committed, either to the former Committees only, or to the same and others.

If the Committee find the Bill so imperfect, that it can hardly be amended,

Then they may without further order from the House, frame a new Bill.

Which is most commonly done by one of the Attendants.

This new Bill being agreed on and returned with the old Bill to the House, and the cause thereof reported by the Committee, the old Bill sleeps. *And*

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And the Lord Chancellor demands of the Lords whether they be pleased that the new Bill shall be Read or no, which is done accordingly.

If any doubt be conceived of the new Bill, the same may also be committed as the former was recommitted.

Or (after the second Reading) the House may order a third Bill to be framed. *V. An. 1 Jacobi 4 Junii.* Recusants : But after the third Reading this is not now done.

The third reading.

THe Clerk first Reads the Title, and then Reads the Bill, and delivers the same to the Lord Chancellor in manner as before having first indorsed *3 An. V. lecta.*

His Lordship repeats the Title only and says, this is the Third Reading of this Bill.

If no Lord speak against it, then his Lordship demands, whether he shall
put

put it to the Question which being agreed on, or not denied.

The Question is thus.

Such of your Lordships as are of opinion, that this Bill is fit to pass (or shall pass, say content.

They which are of another opinion say not content.

Then the lowest Baron begins and saith content, or not content, without any more words. And so they proceed in order to the first Baron.

Then the Bishops.

Then the Viscounts, and Earls, and those that sit on the Earls Bench in like manner.

The Lord Chancellor, or Lord Keeper (if he be a Baron, Earl, or Bishop,) removes to the first place on the Earls Bench, and giveth his voice Content, or not content.

The Prince (if present) speaks last, if any doubt be of the most voice then one Lord who said content, and another Lord who said not content
are

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are appointed to number them by the Poll, which they do in this manner.

They go together to the Barons Bench, and every Lord who said Content, stands up. Then the Bishops and Earls Bench in like manner.

Then they return again to the Barons Bench, and every Lord who said not content standeth up; and so of the Bishops and Earls.

And according to the relation it is agreed whether content, or not content, had the more voices.

And the Bill doth pass or is rejected accordingly.

This Order is observed in all Questions.

Upon examining of the Votes the Proxies of the absent Lords may be demanded, and such Lords as gave their own Vote with the Question may give his proxies against it, *Prout.*

Nova

Nova Billa.

IF the Bill began below be committed, and a new Bill brought in by the Committee,

When the same is past by the Lords, it is to be returned to the Commons together with the Old.

Hereof are may Presidents, *temporibus H. 8. E. 6. Eliz.* And one 4 *Jac.* 27 *May pro Comite Darby.*

So likewise the Commons are to do if they make a new Bill.

ut if the Commons send up a new Bill, and the Lords Reads the same and reject it, the Commons cannot send up another Bill of the same Argument in the same Session: *V. An. 3 Jacobi* 27 *May*, Purveyors.

If the Lords pass a Bill, and send it to the Commons, and they reject the same without conference with the Lords, they cannot send up a new Bill of of the same Argument (in the same Session) *V. An. 29 Eliz. 22 Martii*, *Handfords Bill*. But note this new Bill

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Bill was sent up without the old, otherwise I conceive it had been according to Orders.

And I suppose the reason to be for that the Lords will not proceed in a new Bill, before they understand what is become of the Old, which they formerly past : Nor unless they may also have by them the former Bill.

And therefore either a conference or the old Bill to be returned is necessary.

The same order is observed if the Commons send up a Bill to the Lords.

Amendments, and Additions,
or Provisos added afterwards
how lawful.

V. *An. 27 Eliz. Decembr. 17* The Commons sent up a Bill (for the Sabbath day) to the Lords who past the same with amendments, and so returned it to the Commons : They sent it back to the Lords with new amend-
mend.

amendments who rejected the same as against Order.

It seems the Commons had some conference with the Lords concerning the same ; for afterwards in the same Parliament the Third of *March* it is thus entred (*viz.*)

Memorandum that this day were chosen for Committees to examine the Record touching passing amendments of amendments, moved to the same by the lower House, the Lord Treasurer, the Earl of *Suffex*, the Viscount *Mountague*, the Bishop of *Winchester*, the Lord *Hunsdon*, the Lord *Buckhurst*, the Master of the Rolls ; and Mr. Attorney about the Bill for the better observing of the Sabbath day.

The Presidents they named were the Bills for Treasons, and bringing in of Bills. Acts passed in *An. 13.* of the Queen.

But these Presidents appear not in the Journal of the upper House.

It should seem, that the Lords were then satisfied, and signified the same

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unto

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unto the Commons, for afterwards
6 *Martii*, the Commons returned the
same again with amendments of a-
mendments, which the Lords pub-
lickly read 3. times and past the
same.

V. the Journal of the lower House
22 *Febr. fol. 97 & 99*. That the
Commons desired the Lords that
search might be made in the upper
House, for Presidents touched by them
of the lower House, and reported by
the Committee. That upon search
of Presidents their House might add
to the Lords former additions to a
Bill *pro Billa Sabbath day. V. tamen*
An. 39 Eliz. 14 Jan. The Lords ha-
ving returned to the Commons their
Bill for Houses of Correction with a-
mendments and Provisoos, the Com-
mons prayed a Conference touching
the said amendments and Provisoos.

The Lord yielded to the Conference
thus far, to satisfie the Commons what
moved their Lordships to make those
amend-

amendments with this caution, that nothing can now be altered by the order of this House.

Amendments upon amendments were very usual in the times of *H. 8.* and *Q. Mary*, prout *An. 32 H. 8. 2 July* & 5. 12, 19, 21, 22 & 24 *July Billa annexorum honori de Petworth.*

An. 32. H. 8. 1 Martii. & 4. 5, 6, 10. & 18. *Martii. Billa* concerning the First Articles.

An. 35 H. 8. 4 Martii. &c.

Billa for the Lord decrees.

An. 37. H. 8 27 No. &c.

Billa pro Custode Rotulorum, &c.

An. 6 H. 8. 15 Martii, & usq; 3 *April. Billa Ducis Suff.*

An. 4 & 5. Ph. & Mar. 18 Febr. &c. *Billa* for Musters.

Anno 31 H. 8. 10. Junii. The Bill for the First Articles are sent to the Commons, 14 *Junii* it is returned with a Proviso, and expedited 16 *Junii* : And 24 *Junii*, the Lords and Commons agree to some amend-

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ments. Afterwards the 27 *Junii*, the Lords agree to another Proviso, and send it with a Proviso to the Commons 28 *Junii*, who returned the Bill expedited the same day in the Afternoon.

An. 37 H. 8. The Bill for the *Custos Rotulorum* returned from the Commons with a Proviso, rejected by the Lords, and sent back to the Commons, and returned by them expedited (without the Proviso) 16 & 18 *Decembris*.

An. 4 Jac. 29 Junii, The Lords having returned to the Commons their Bill of Hostile Laws with amendments and a Proviso, the Commons prayed a Conference for consideration thereof.

At the Conference they moved that they may clear their doubt of the said amendments, and Proviso, either by amendment, or by another Proviso; of which kind of Proceeding, they affirmed they had good Presidents of former times in like case.

And

And accordingly they did amend the same : And the Lords past the Bill after the third Reading thereof, *V. ib. 3 Junii & in pomeridiano.*

Amendment of the amendments how Lawful.

THe amendment of a Bill coming from the Commons (as hath been said) are to be written in Paper and to be inserted into the Bill by the Commons at the return thereof unto them. And if the Commons do think fit, that those amendments be amended they are to signifie so much to the Lords and to move their Lordships to amend their own amendments before the same be asserted in the Bill. *V. the Journal of the lower House. Ann. 27 Eliz. 10 Martii fol. 132. The Bill against Jesuits, & ib. A. 23 Eliz. 17 Martii, concerning the Borders of Scotland, where the Lords are prayed to amend the sense of their own amendments ; ;*
thee

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the Bill was sent them, and returned amended.

Divers Lords were of opinion the last Parliament *An. 18 & 19 Jac.* That a Bill might be amended after the third Reading.

But in the same Parliament 27 *No.* in the Bill for Suits, and 1 *Decembr.* in the Bill for Monopolies it was agreed *per plures* (but the question for it was denied) that it was against the orders of the House to recommit a Bill after the third Reading.

Yet it was agreed that a Bill might have a small amendment after the Third Reading, with which agreeth that *Anno 27 Eliz. 13 Martii.* In the Bill for Provision to be made for the Queens Royal Person, &c. which was thus amended of the Third Reading, and before it was put to the question (*viz.*) in the 24 line after this word (*left*) put out (*so as*) and in place thereof put in (*foreseeing that*) And such small amendments are usual after the Third Reading. E 4 A

A Provifoc added after the Third Reading, not ufual now.

A *Nno 35 Eliz. 9 April.* A faving of the Queens Right, and all mens right added to the Bill for repealing of certain ufes, and concerning the Lands of *Anthony Coke Esq;* was added to the Bill after the the Third Reading and Queftion.

This Bill was fent up by the Commons *28 Martii & 6 April* it was Read the Third time and Expedited. The faving was added the *9 of April* with this Caution, that the Lords upon weighty confiderations have ordered that this fhall not hereafter be drawn to make any Prefident. Then the Bill was returned to the Commons who fent it up the fame day expedited.

According to this order of *Anno 35 Eliz.* the Houfe hath forbore to add any

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any thing to the Bill after the Third Reading prout. Anno 3. Jac. 13. Martii 3. *Vice lecta est Billa.* For the establishing of the possessions of *Edmund* late Lord *Chandois* of *Sudley*. And ordered that the late *Chandois* shall give security for the payment of 7000*l.* to her Daughter *Katherine* before the Bill be sent to the Commons; For that the same is not sufficiently provided for by the Bill.

15 Martii this is referred to Mr Justice *Tanfild*, and Mr Justice *Crook*, and they to acquaint the Lord Committees that were named on the Bill with the cause by them advised on. That the Lords might proceed for the security as they should find cause.

27 Martii. This Bill (with others) is sent down to the Commons with a recommendation from their Lordships, to be had by them touching assurance to be given for the said portion which was not remembered to their Lordships until the Bill was past this House.

But

But this order was not thus nicely observed, *tempore H. 8. An. 6. H. 8.*

1 Martij Billa concernens debita Regia lecta est 3.

3 Martij lecta est 4. & Domini deliberabunt.

15 Martij lecta est 5.

16 Martij lecta est.

20 Martij lecta est & Domini deputaverunt principalem Justiciorum & ad consiniendum quendam effectum pro securitate regia pro debitis suis obtinendis.

Here it appears that at the third reading, the Lords not being agreed, the Bill was Read again the fourth time, yea and the 6. and 7. times, and at last the Lords appointed a new Bill to be drawn.

There are many Presidents that Bills have been read oftner than thrice in that Kings Time, and of *E. 6.* by which it appears that Bills might then be recommitted after the third Reading. *V.* My Collection of those Times

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Times which I will not here relate:
For that it is now constantly observed to Read Bills but thrice.

A Provifoe added by the one House, and desired to be taken away by the other House, whether Lawful.

THIS was usual in former times, yet in the Parliament 21 Jac. 28 May the Lords having returned unto the Commons their Bill for ease of Pleading of Licence of Alienations &c. with a Provifoe, the Commons misliking of the Provifoe desired a Conference, and moved to have the Provifoe taken away, and some doubting and others affirming that this could not be done by the orders of the House, the Commons framed a new Bill to that purpose without a Provifoe, and sent it up to the Lords the next morning, and with it returned the old Bill,
and

and the Lords past this new Bill.

Anno 3 H. 8. 24. die Parliamenti Billa concernens Coriarios lecta est primo &c. sent to the Commons, & 29. die Parliamentum assentita est, dempreta additione.

Anno 6 H. 8. 31 die Martii Billa Ducis Suff. remissa est in domum communem, & due provisiones eidem prius per Commiones annexæ abstrahuntur & eodem die recepta est, ablati provisionibus prius annexis.

Anno 1 & 2 Ph. & Mar. The Bill for the Supremacy of Rome, 4 Jan. a Provisoe added by the Commons misliked, a new Bill made, and the old taken away by the Commons at the Lords request.

Anno 4 & 5 Ph. & Mar. The Bill of Musters returned from the Commons with two Provisoe's, and sent back to have them taken away, and returned again with certain Corrections mentioned in a schedule, expedited 4 & 6 Martii & prout M. 6 May.

F I N I S.